



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In PATENT APPLICATION of

Inventor : O'DEA
Appln. No. : 10/796,585
Conf. No.: : 1115
Filed: : March 9, 2004
Title: : APPARATUS AND METHOD FOR RELIEVING DYSNEA
Group Art Unit : 3761
Examiner : Erez, D.
Docket No. : 98-58 C1

* * * * *

September 9, 2005

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT (37 C.F.R §1.121)

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment, dated September 6, 2005, applicant hereby submits a corrected Amendment that includes the proper status identifiers which were omitted in the Preliminary Amendment filed October 27, 2004.

Applicant notes that the Notice of Non-Compliance was not mailed until nearly one year after the filing date of the last Amendment. While we appreciate that the Patent Office has a large workload, we are also disappointed that it took nearly one year to notify the Applicant of this minor informality, thereby unnecessarily delaying the prosecution of this application.

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on September 9, 2005 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EL 997385306 US.

Michael W. Haas
Michael W. Haas, Reg. No. 35,174

O'DEA -- Appln. No.: 10/796,585

This response is being filed within the one-month statutory response period which expires on October 6, 2005. Although it is believed that no fee is required with this submission, the Commissioner is hereby authorized to charge any deficiency in the indicated fees or charge any overpayment to deposit account no. 50-0558.

It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

By Michael W. Haas
Michael W. Haas
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1010 Murry Ridge Lane
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09-12-05

IFW

Mail Stop Amendment TRANSMITTAL FORM (To be used for all correspondence after initial filing)		Application Number	10/796,585
		Filing Date	March 9, 2004
		Confirmation Number	1115
		Inventor(s)	O'DEA
		Group Art Unit	3761
Express Mail Label No.: EL 997385306 US		Examiner	Erezo, D.
Total Number of Pages in This Submission: 10		Attorney Docket No.	98-58 C1

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form (submit in duplicate)	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet
<input type="checkbox"/> Fee Attached \$ <input type="text"/>	<input type="checkbox"/> Cover Sheet	<input type="checkbox"/> After Allowance Communication to Group
Check No.: <input type="text"/>	<input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to the Commissioner	<input type="checkbox"/> Request for Continued Examination (RCE)
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Address	<input type="checkbox"/> Small Entity Statement
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Terminal Disclaimer(s)	<input type="checkbox"/> Request for Refund
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<input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet	<input checked="" type="checkbox"/> Other Enclosure(s): <u>Response to Notice of Non-Compliant Amendment</u>	
<input type="checkbox"/> Formal		
<input type="checkbox"/> Informal		

Current Due Date: October 6, 2005

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668
Signature	<i>Michael W. Haas</i>
Date	September 9, 2005

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Signature	<i>Michael W. Haas</i>	Date	September 9, 2005



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